

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 STEVEN M. BERESFORD, *et al.*,

13 Defendants.

CASE NO. C21-5345-JCC

ORDER

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15 This matter comes before the Court on Defendants' motion to stay an order pending
16 appeal (Dkt. No. 106). Having thoroughly considered the motions and the relevant record, the
17 Court hereby DENIES the motion for the reasons explained herein.

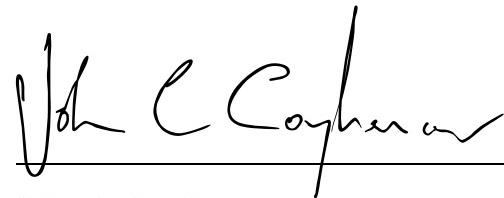
18 The facts of this suit have been detailed previously and the Court will not repeat them
19 here. (See Dkt. No. 93 at 2–7.) The Court adopted a Report and Recommendation granting
20 summary judgment to Plaintiff on all claims. (See Dkt. No. 98 at 1.) Subsequently, the Court
21 granted Plaintiff's motion for decree of foreclosure. (Dkt. No. 105 at 1.) Defendants filed a
22 notice of appeal and a motion to stay the foreclosure order pending the resolution of that appeal.
23 (Dkt. Nos. 107, 106.)

24 Defendants move to stay this case pending their appeal of the Court's foreclosure decree.
25 (Dkt. No. 106 at 1.) Their motion simply states, “[i]n accordance with FRAP 8(a)(1)(A),
26 Defendants hereby move for a stay of the Order granting a Decree of Foreclosure pending the

1 appeal.” (*Id.*) Defendants do not otherwise provide any substantive basis for the Court to stay
2 this case pending the outcome of their appeal. *See Battle v. Anderson*, 564 F.2d 388, 397 (10th
3 Cir. 1977) (reciting elements courts examine to determine whether stay order pending an appeal
4 is warranted). Furthermore, on September 4, 2024, the Ninth Circuit dismissed Defendants’
5 appeal of the order for lack of jurisdiction, mooted the instant motion. (*See* Dkt. No. 111 at 2)
6 (citing 28 U.S.C. § 1291). Therefore, Defendants’ motion to stay (Dkt. No. 106) is DENIED.
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8 DATED this 18th day of September 2024.

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The signature is handwritten in black ink and appears to read "John C. Coughenour". It is written in a cursive style with a vertical line extending from the end of the "n" in "Coughenour" upwards and to the right.

John C. Coughenour
UNITED STATES DISTRICT JUDGE